

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

KATHRYN BAUMAN RUBENSTEIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:07cv798-MHT
	)	
BETTY JO BAUMAN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER ON MOTION**

Pending before the Court is Plaintiff's Motion for Instructions (Doc. #173) filed 15 February 2008. Defendants filed a Reply to the Motion (Doc. #174) on the same date. In Plaintiff's Motion, she requests instructions as to this Court's orders. Specifically, Plaintiff refers to this Court's Order of 25 January 2008 (Doc. #162), which ordered Plaintiff to file a response to the Motions for Sanctions (Docs. #138 & 145), and this Court's Order of 30 January 2008 (Doc. #171), in which this Court denied several Defendants' requests to join in the Supplemental Motion for Sanctions and Imposing of Filing Restrictions (Doc. #163). Plaintiff requests this Court provide her instructions as to whether she is still required to file a response pursuant to the Court's Order of 25 January 2008. (Doc. #162).

While the Court recognizes there have been multiple defendants in this case and many, many motions, the Court and the clerk, who is responsible for docketing this case, have taken steps to reduce any confusion. All of the Court's Orders have been plain and have included "docket number" citations every time the Court has referred to another filing in this matter.

In the Order dated 25 January 2008, the Court specifically stated: “Plaintiff shall file a response to the Motions for Sanctions (Docs. #138 & 145) on or before 8 February 2008.” (Doc. #162). In the Order dated 30 January 2008, the Court held that “The Motions for Joinder (Docs. #167, 168 & 169) are DENIED for failure to comply with Rule 11.” (Doc. #171). The Court even explained that the “three Motions for Joinder (Docs. #167, 168 & 169), [sought] to join the Supplemental Motion for Sanctions and Imposing of Filing Restrictions (Doc. #163).” *Id.* The Court fails to see how Plaintiff was confused. Nothing in the Order of 30 January 2008 (Doc. #171) addressed either the Order of 25 January 2008 (Doc. #162), or the contents therein. Further, even if Plaintiff failed to take the time to read the Orders of this Court, a brief review of the docket sheet of this case would have revealed the same.

In addition, Plaintiff’s motion is late. In the Order of 25 January 2008 (Doc. #162) this Court directed Plaintiff to respond to the Motions for Sanctions (Docs. #138 & 145) on or before 8 February 2008. Plaintiff’s Motion for Instructions (Doc. # 173) was filed on 15 February 2008, one week after her response was due. Plaintiff had sufficient time to file a motion for instructions prior to the 8 February 2008 deadline, should she have required clarification. Plaintiff offers no explanation for why she filed her Motion for Instructions (Doc. #173).

The Court notes Plaintiff has a pattern of late filings, including the Second Amended Complaint (Doc. #108) and the Motion for Extension of Deadline to File Objections (Doc.

#146), which was filed after the objections were due.

For the above stated reasons, and for good cause, it is

ORDERED that Plaintiff's Motion for Instructions (Doc. #173) is DENIED. It is further

ORDERED that a hearing on the Motions for Sanctions (Docs. #138 & 145) is set for 4 March 2008 at 10:00 a.m. in Courtroom 5A, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama before the undersigned Magistrate Judge. Plaintiff is required to bring financial information related to her ability to pay fines pursuant to Rule 11 of the Federal Rules of Civil Procedure.

DONE this 21st day of February, 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE